

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

RECARDO TERRY

Plaintiff,

v.

SONNY PERDUE, SECRETARY  
UNITED STATES DEPARTMENT OF  
AGRICULTURE

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil No. 18-CV-00031-JKB

\*\*\*\*\*

**MOTION TO DISMISS, OR ALTERNATIVELY, FOR SUMMARY JUDGMENT**

Defendant Sonny Perdue, Secretary of the United States Department of Agriculture, by and through, Robert K. Hur, United States Attorney for the District of Maryland, and Rebecca A. Koch, Assistant United States Attorney for said District, hereby moves to dismiss pursuant to Federal Rule of Civil Procedure Rule 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim, or alternatively, for summary judgment pursuant to Rule 56(a). Defendant's arguments in support of this Motion are set forth in the attached Memorandum.

Robert K. Hur  
United States Attorney

2

**CERTIFICATE OF SERVICE**

I certify that on June 7, 2018, a copy of the foregoing Motion to Dismiss, or Alternatively, for Summary Judgment was served on counsel of record by the Court's CM/ECF system.

/s/

---

Rebecca A. Koch  
Assistant United States Attorney